

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA

3 -----
4 FAIR ISAAC CORPORATION,

5 Plaintiff,

6 v. Court File No. 16-cv-1054 (WMW/DTS)

7 FEDERAL INSURANCE COMPANY,
8 an Indiana corporation, and ACE
9 AMERICAN INSURANCE COMPANY,
10 a Pennsylvania corporation,

11 Defendants.
12 -----

13 VIDEO DEPOSITION OF

14 THOMAS CARRETTA

15 MARCH 22, 2019

16 9:31 A.M.
17
18
19
20
21
22
23
24
25

EXHIBIT

7

<p>1 agreement and Chubb's use of Blaze in Europe, 2 correct? 3 A. No, I don't know what it is. I mean, they were 4 having a conversation -- obviously they're a 5 client -- the Chubb license agreement and an 6 opportunity to work with Chubb Europe. So I don't 7 know what the plan was. 8 Q. But the discussion of Chubb's plan in Europe was 9 being discussed in November of 2008, correct? 10 A. They were going to discuss the Chubb license 11 agreement and a plan for Chubb Europe. 12 Q. Showing you what's previously been marked as 13 Exhibit 116. 14 Can he use that one? I don't have an extra 15 copy of that one. 16 A. Do you want me to use that one of this? 17 Q. It's this one, yeah. 18 A. Okay. I've got it. 19 Q. Have you -- take a moment to look at the e-mail. 20 Have you seen this before? 21 A. I don't remember this. 22 Q. So this is an e-mail from Lawrence Wachs to Russ 23 Schreiber dated November 26, 2008, correct? 24 A. Yes. 25 Q. Okay. So this is in the same time period as the</p>	<p>1 THE WITNESS: Again, I don't know what he's 2 talking about here. I don't know this. I've 3 never seen it. 4 BY MS. JANUS: 5 Q. Are you aware that several months after the 6 discussion of Chubb's use of Blaze in Europe in 7 November of 2008 Mike Sawyer began engaging with 8 Chubb about the use of Blaze in Europe? 9 MS. KLIEBENSTEIN: Could you repeat that 10 question for me? 11 (The question was read back by the court 12 reporter.) 13 MS. KLIEBENSTEIN: Objection, 14 mischaracterizes the testimony of the documents. 15 BY MS. JANUS: 16 Q. I'll withdraw the question. 17 A. Okay. 18 Q. Are you aware that -- I think I asked this before, 19 but I'm going to make sure. Do you know whether 20 the result of those November 2008 conversations 21 was the conclusion on the part of FICO that Chubb 22 had the right to use Blaze in Europe under the 23 license agreement? 24 A. I don't recall that. 25 Q. So you just don't know?</p>
<p>1 meeting planner we looked at marked as Exhibit 73, 2 correct? 3 A. Yes. 4 Q. And also the same time period as the e-mails on 5 the log that we looked at that involved you, 6 correct? 7 A. Right. 8 Q. And in this e-mail, Lawrence Wachs says, "In 9 reviewing my notes and some archived e-mails it's 10 apparent to me that the corporate ELA" -- which is 11 enterprise license agreement, correct? Well, 12 anyway, "that the corp" -- 13 A. I'm not sure what he's trying to explain here. 14 Like I said, I've never seen this before. 15 Q. So he says, "In reviewing my notes and some 16 archived e-mails it's apparent to me that the 17 corporate ELA that was negotiated with Phil Folz 18 and June Drewey intended to include the global 19 license." Do you see that? 20 A. I see the sentence, yes. 21 Q. Okay. So does this further confirm for you that 22 FICO was considering the issue of Chubb's use of 23 Blaze in Europe in the November 2008 time period? 24 MS. KLIEBENSTEIN: Objection, calls for 25 speculation.</p>	<p>1 A. No. 2 (Exhibit No. 394 was marked for identification.) 3 BY MS. JANUS: 4 Q. Showing you what's been marked as Exhibit 394, let 5 me know when you've had a chance to take a look at 6 this document. 7 A. Okay. 8 Q. This is an e-mail exchange between Henry Mirolyuz 9 at Chubb and Ian Brodie and Donald Likeum at FICO, 10 correct? 11 A. It looks like it was a forwarded note from Henry 12 Mirolyuz to somebody named Owen Williams and 13 Patrick Sullivan and that it included some 14 embedded e-mails. 15 Q. Okay. And I guess I was looking at the embedded 16 e-mail -- 17 A. Okay. 18 Q. -- between Chubb and FICO, correct? 19 A. I see one, yes. 20 Q. Okay. And that's from Ian Brodie and Donald -- 21 no, I'm sorry, I'm misreading it. It's from Mike 22 Sawyer to Henry Mirolyuz, correct? 23 A. Yes. 24 Q. Okay. And it copies Ian Brodie and Donald Likeum 25 at FICO, correct?</p>

<p>1 A. Yes.</p> <p>2 Q. The date of this e-mail is May 11, 2009, correct?</p> <p>3 A. May 12th. Oh, I'm sorry, yeah, it was -- it's May</p> <p>4 11th.</p> <p>5 Q. Okay. And the subject is Drools versus Blaze,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. So this is five and a half months or so after the</p> <p>9 e-mails we reviewed relating to the consideration</p> <p>10 of Chubb's use of Blaze in Europe, correct?</p> <p>11 MS. KLIEBENSTEIN: Objection,</p> <p>12 mischaracterizes the previous exhibits and</p> <p>13 testimony.</p> <p>14 THE WITNESS: I don't know what they were</p> <p>15 talking about in November, and then this is a</p> <p>16 subsequent communication.</p> <p>17 BY MS. JANUS:</p> <p>18 Q. Okay. This communication is about five and a half</p> <p>19 months after the discussions we looked at that</p> <p>20 were taking place in November of 2008, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you said that's the first time you saw</p> <p>23 Mr. Wach's e-mail concluding that the enterprise</p> <p>24 license agreement was global?</p> <p>25 MS. KLIEBENSTEIN: Objection,</p> <p style="text-align: right;">Page 68</p>	<p>1 issue?"</p> <p>2 A. I see that sentence, yes.</p> <p>3 Q. Would you say that at least by this point in time,</p> <p>4 May of 2009, FICO was aware that Chubb was</p> <p>5 contemplating the use of Blaze in Europe?</p> <p>6 MS. KLIEBENSTEIN: Objection, calls for</p> <p>7 speculation.</p> <p>8 THE WITNESS: I don't know the answer to</p> <p>9 that.</p> <p>10 BY MS. JANUS:</p> <p>11 Q. Could you take a look at Exhibit 74?</p> <p>12 A. Should I look at this book or should I use that?</p> <p>13 Q. Yeah, you can use that book, the document</p> <p>14 previously marked as Exhibit 74.</p> <p>15 A. Okay.</p> <p>16 Q. This is dated July 22, 2009, and it's an e-mail</p> <p>17 from Mike Sawyer to Henry Mirolyuz, correct?</p> <p>18 A. Yes, it is.</p> <p>19 Q. In the e-mail, Mr. Sawyer says, "Hi Henry, per our</p> <p>20 call earlier, attached is the Blaze case study</p> <p>21 with Aviva in the UK that might serve as a good</p> <p>22 source of information as you try and promote the</p> <p>23 use of Blaze in the Europe," right?</p> <p>24 A. Yes.</p> <p>25 Q. Does it appear that again as of July of 2009 FICO</p> <p style="text-align: right;">Page 70</p>
<p>1 mischaracterizes the document.</p> <p>2 THE WITNESS: I don't remember ever seeing</p> <p>3 that document, no. I'm not on it.</p> <p>4 BY MS. JANUS:</p> <p>5 Q. Do you know whether this e-mail and the attachment</p> <p>6 relates to Chubb's use of Blaze in Europe?</p> <p>7 A. No, this document seems to be doing some sort of</p> <p>8 comparison.</p> <p>9 Q. And are you aware that FICO was involved in</p> <p>10 assisting Chubb in Europe with its analysis of</p> <p>11 whether to use Blaze or Drools?</p> <p>12 MS. KLIEBENSTEIN: Objection, calls for</p> <p>13 speculation.</p> <p>14 Could you read back the question for me</p> <p>15 again?</p> <p>16 (The question was read back by the court</p> <p>17 reporter.)</p> <p>18 MS. KLIEBENSTEIN: Objection, calls for</p> <p>19 speculation.</p> <p>20 THE WITNESS: I don't know the content of</p> <p>21 this really to be honest, and I don't recall this.</p> <p>22 BY MS. JANUS:</p> <p>23 Q. Do you see the last sentence of Mr. Sawyer's</p> <p>24 e-mail to Mr. Mirolyuz is, "Also, when do you plan</p> <p>25 to meet with the team in the UK to discuss this</p> <p style="text-align: right;">Page 69</p>	<p>1 was aware that Chubb was considering the use of</p> <p>2 Blaze in Europe?</p> <p>3 MS. KLIEBENSTEIN: Objection, calls for</p> <p>4 speculation.</p> <p>5 THE WITNESS: I can only reflect on what he</p> <p>6 says here.</p> <p>7 BY MS. JANUS:</p> <p>8 Q. Based on that, do you -- are you able to form a</p> <p>9 conclusion about FICO's knowledge?</p> <p>10 A. Not really. He sent a case study for another</p> <p>11 insurance company from the looks of it.</p> <p>12 Q. Showing you what's been marked previously as</p> <p>13 Exhibit 47, this is a string of e-mails dated</p> <p>14 August 14, 2012. Let me know when you've had a</p> <p>15 chance to review it.</p> <p>16 A. Okay.</p> <p>17 Q. If you take a look at the first e-mail in the</p> <p>18 chain, so on the second page, it's from Richard</p> <p>19 Hill to Russ Schreiber dated August 14, 2012,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. And Richard Hill was involved in the e-mails that</p> <p>23 we looked at from November of 2008, correct?</p> <p>24 A. He was indicated as inside of these ex -- yeah,</p> <p>25 394 -- or 310, excuse me.</p> <p style="text-align: right;">Page 71</p>

<p>1 that?</p> <p>2 THE WITNESS: Yep.</p> <p>3 BY MS. JANUS:</p> <p>4 Q. Okay. And then Mike Sawyer says, "It's probably</p> <p>5 two to three years old at this point. They did a</p> <p>6 POC of Blaze versus Drools and selected Blaze. I</p> <p>7 helped some folks at Chubb US put together a</p> <p>8 position paper to influence their decision. I</p> <p>9 believe it is automated renewal underwriting." Do</p> <p>10 you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And you recall that we looked at Exhibit</p> <p>13 394 --</p> <p>14 A. Yes.</p> <p>15 Q. -- which was Mike Sawyer sending Chubb a Drools</p> <p>16 versus Blaze document, right?</p> <p>17 A. Yes.</p> <p>18 Q. It appears that Mike Sawyer in Exhibit 47 is</p> <p>19 referring back to that Drools versus Blaze</p> <p>20 analysis, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And he says that Chubb Europe selected Blaze in</p> <p>23 that analysis, correct?</p> <p>24 MS. KLIEBENSTEIN: Objection, calls for</p> <p>25 speculation.</p> <p style="text-align: right;">Page 76</p>	<p>1 A. That's typically what it refers to, yes.</p> <p>2 Q. -- "of Blaze versus Drools and selected Blaze,"</p> <p>3 and he says, "I helped some folks at Chubb U.S.</p> <p>4 put together a position paper to influence their</p> <p>5 decision. I believe it is automated renewal</p> <p>6 underwriting," that does not indicate to you that</p> <p>7 FICO knew about Chubb's use of Blaze in Europe?</p> <p>8 MS. KLIEBENSTEIN: Objection, calls for</p> <p>9 speculation.</p> <p>10 THE WITNESS: Yeah, I don't know what they</p> <p>11 concluded here.</p> <p>12 BY MS. JANUS:</p> <p>13 Q. And you did not talk with Mike Sawyer in</p> <p>14 preparation for your deposition today, correct?</p> <p>15 A. No. No, I did not.</p> <p>16 Q. Have you ever talked with Mike Sawyer about the</p> <p>17 extent of his knowledge about Chubb's use of Blaze</p> <p>18 in Europe?</p> <p>19 A. I did in late December 2015 or early January 2016.</p> <p>20 Q. Okay. At that point, did you learn that Mike</p> <p>21 Sawyer knew that Chubb was using Blaze in Europe?</p> <p>22 A. No.</p> <p>23 Q. So Mike Sawyer's position was that he did not know</p> <p>24 about any use of Blaze in Europe?</p> <p>25 MS. KLIEBENSTEIN: Objection, I'll put the</p> <p style="text-align: right;">Page 78</p>
<p>1 THE WITNESS: Yeah, I don't know.</p> <p>2 BY MS. JANUS:</p> <p>3 Q. Well, he says, "They did a POC of Blaze versus</p> <p>4 Drools and selected Blaze." Do you see that?</p> <p>5 A. Yes, I do.</p> <p>6 Q. Okay. Does this show you that FICO knew about</p> <p>7 Chubb's use of Blaze in Europe?</p> <p>8 MS. KLIEBENSTEIN: Objection, calls for</p> <p>9 speculation.</p> <p>10 THE WITNESS: No, it sounds like the opposite</p> <p>11 to me when I read this, so I don't really know,</p> <p>12 but --</p> <p>13 BY MS. JANUS:</p> <p>14 Q. Why do you say that?</p> <p>15 A. It says -- Richard Hill says have cc Larry as he</p> <p>16 was involved with me a while ago when we tried to</p> <p>17 extend Blaze to Chubb UK. So it sounds like it</p> <p>18 never happened.</p> <p>19 Q. What about Mike Sawyer's e-mail that we just read?</p> <p>20 A. Mike is the U.S. guy, so it looks like these guys</p> <p>21 are trying to find their way through the woods,</p> <p>22 but I'm just guessing.</p> <p>23 Q. Okay. So this -- so Mike Sawyer's e-mail saying,</p> <p>24 "They did a POC" -- which is proof of concept,</p> <p>25 right?</p> <p style="text-align: right;">Page 77</p>	<p>1 work product, attorney/client privilege in there.</p> <p>2 You can answer if you're not going to reveal any</p> <p>3 protected communications.</p> <p>4 THE WITNESS: I don't recall that.</p> <p>5 BY MS. JANUS:</p> <p>6 Q. Okay. So you just don't recall the conversation?</p> <p>7 A. No. No, I don't.</p> <p>8 Q. Do you know whether Russ Schreiber knew about</p> <p>9 Chubb's use of Blaze in Europe?</p> <p>10 A. No, I don't recall that.</p> <p>11 Q. Do you know what FICO knew about Chubb's use of</p> <p>12 Blaze in Canada prior to the merger?</p> <p>13 A. No.</p> <p>14 Q. Was that something that you looked into in</p> <p>15 preparation for your deposition today?</p> <p>16 A. No.</p> <p>17 Q. Did you investigate that issue prior to asserting</p> <p>18 a claim that use in Canada was a violation of the</p> <p>19 license agreement?</p> <p>20 A. In connection -- after the merger was completed,</p> <p>21 yes.</p> <p>22 Q. Okay. And what did you conclude about whether</p> <p>23 FICO was aware of Chubb's use of Canada -- of</p> <p>24 Chubb's use of Blaze in Canada?</p> <p>25 A. Are you asking me as a lawyer?</p> <p style="text-align: right;">Page 79</p>

1 Q. I'm asking what FICO's knowledge was --
2 **A. Okay.**
3 Q. -- of Chubb's use of Blaze in Canada.
4 **A. FICO investigated and saw the maintenance tickets**
5 **that we discussed earlier --**
6 Q. Okay.
7 **A. -- so we became aware at that point, yes.**
8 Q. Was any investigation done to determine whether
9 FICO was aware of Chubb's use in Canada
10 pre-merger?
11 **A. No, not that I recall.**
12 Q. Do you know now whether FICO was aware of Chubb's
13 use in Canada prior to the merger?
14 **A. No, it was -- the merger event is what triggered**
15 **our looking into this matter, so prior to that**
16 **date, we weren't aware that they were using**
17 **anything up there or that they were accessing it**
18 **or distributing it to anybody or anything.**
19 Q. Okay.
20 (Exhibit No. 395 was marked for identification.)
21 BY MS. JANUS:
22 Q. Showing you what's been marked as Exhibit 395, let
23 me know when you've had a chance to review this.
24 **A. Okay.**
25 Q. This is an e-mail from Patrick Sullivan to Henry

Page 80

1 Miroluz dated November 23, 2011, subject line
2 Blaze for Canada, correct?
3 **A. Yes.**
4 Q. And below that is another e-mail from Henry
5 Miroluz to Patrick Sullivan dated 11/22/2011,
6 same subject line, correct?
7 **A. That's what it says.**
8 Q. In the e-mail from Mr. Miroluz there are numbered
9 paragraphs under the first paragraph of the
10 e-mail. Do you see that?
11 **A. Yes.**
12 Q. And the first one is, "Introductory conference
13 call with FICO (participants: Canada team, FICO
14 rep, BR CoE/Henry)," correct?
15 **A. Yes.**
16 Q. Are you aware that FICO met with the Canada team
17 to discuss Canada's use of Blaze in Europe in
18 2011?
19 **A. No, not that I recall.**
20 Q. Did you investigate that issue?
21 **A. No.**
22 Q. Did you do anything to look into when FICO became
23 aware of Canada -- Chubb's use of Blaze in Canada
24 in connection with your deposition today?
25 **A. After the merger, yes, then we did, we looked into**

Page 81

1 **this and became aware of this.**
2 Q. So you became aware after the merger that FICO
3 knew about Chubb's use of Blaze in Canada in
4 December -- I mean, November of 2011?
5 MS. KLIEBENSTEIN: I don't think I totally --
6 could you read the question back?
7 (The question was read back by the court
8 reporter.)
9 THE WITNESS: No, I think the prior question
10 was you said if I had investigated, and I said
11 after the merger I investigated, and that's when
12 we became aware.
13 BY MS. JANUS:
14 Q. Right, but you see that this e-mail we're looking
15 at is dated from 2011, correct?
16 **A. Yeah, this is a Chubb internal document, yes.**
17 Q. Right. And it's talking about meetings that are
18 being set up with FICO personnel to discuss
19 Canada's -- Chubb in Canada's use of Blaze,
20 correct?
21 **A. I -- this is not my -- our FICO document, so**
22 **you're asking me to guess at what this guy is**
23 **talking about, and I don't know what he's talking**
24 **about. I mean --**
25 Q. Well, and that's what -- my question is, did you

Page 82

1 look into or investigate whether FICO was aware
2 back in 2011 or 2012 or 2013 that Chubb in Canada
3 was using Blaze?
4 MS. KLIEBENSTEIN: So -- okay. No, go ahead.
5 THE WITNESS: No, we only became aware after
6 the merger because that's when we went and looked
7 back, and that was in 2016.
8 BY MS. JANUS:
9 Q. You say "we only became aware" --
10 **A. Right.**
11 Q. -- but did you look into whether -- who do you
12 mean by "we"?
13 **A. FICO.**
14 Q. Who do you mean by FICO?
15 **A. The company.**
16 Q. How do you define that FICO became aware?
17 **A. Well, because a number of people were spun up**
18 **after the merger to say, okay, well, let's look at**
19 **what we have here because we believe there was a**
20 **violation of the agreement and let's look at what**
21 **other facts are out there, and that's when we saw**
22 **the call tickets and the maintenance.**
23 MS. JANUS: What did you say?
24 MS. KLIEBENSTEIN: Uh?
25 MS. JANUS: What did you say?

Page 83

<p>1 MS. KLIEBENSTEIN: What?</p> <p>2 MS. JANUS: You just said something. You</p> <p>3 said "this is just stupid"?</p> <p>4 THE WITNESS: I didn't hear that.</p> <p>5 MS. KLIEBENSTEIN: I can tell you why if</p> <p>6 you'd like. I mean, this is -- your own</p> <p>7 interrogatory responses served just weeks ago</p> <p>8 showed that there's no written premiums or</p> <p>9 policies in Canada prior to 2015, so you're</p> <p>10 asking -- anyways, that's -- you can ask the</p> <p>11 witness your questions.</p> <p>12 If your position is that --</p> <p>13 MS. JANUS: I'm sorry --</p> <p>14 MS. KLIEBENSTEIN: -- Federal was using --</p> <p>15 MS. JANUS: -- are you --</p> <p>16 MS. KLIEBENSTEIN: -- in 2011, then we've got</p> <p>17 a lot of other issues.</p> <p>18 MS. JANUS: My questions are aimed at</p> <p>19 understanding what FICO knew about use that it</p> <p>20 claims was a violation of the license agreement</p> <p>21 prior to it claiming that uses of violation of the</p> <p>22 license agreement. That's what my questions are</p> <p>23 aimed at. This indicates that FICO was aware of</p> <p>24 the fact that Canada was considering using Blaze.</p> <p>25 So in any case, I'd like it if you'd</p> <p style="text-align: right;">Page 84</p>	<p>1 A. After the merger, I asked Schreiber about that,</p> <p>2 yes.</p> <p>3 Q. Okay. And did he reveal that he did know about</p> <p>4 Chubb in Canada's use of Blaze?</p> <p>5 A. He didn't recall.</p> <p>6 Q. Okay. What about Mike Sawyer, did he know that</p> <p>7 Chubb in Canada used Blaze?</p> <p>8 A. No, I don't think -- I don't recall Mike knowing</p> <p>9 either after the merger.</p> <p>10 (Exhibit No. 396 was marked for identification.)</p> <p>11 BY MS. JANUS:</p> <p>12 Q. Showing you what's been marked as 396, this is an</p> <p>13 e-mail from Mike Sawyer to Henry Mirolyuz, the</p> <p>14 subject is Chubb Canada, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Let me know when you've had a chance to review it.</p> <p>17 A. I have.</p> <p>18 Q. Okay. In the e-mail, he says, "It looks like I</p> <p>19 will be in Toronto on July 25th and my morning is</p> <p>20 open right now." Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Then he says, "I was thinking it might make sense</p> <p>23 for me to stop in and have a cup of coffee with</p> <p>24 your colleagues up there. Can you check with them</p> <p>25 to see if they would be interested in a quick</p> <p style="text-align: right;">Page 86</p>
<p>1 actually conduct yourself professionally and not</p> <p>2 audibly assert that the questioning is stupid.</p> <p>3 So you said that we did not know until</p> <p>4 after the merger that Canada, Chubb in Canada used</p> <p>5 Blaze, correct?</p> <p>6 THE WITNESS: Right.</p> <p>7 BY MS. JANUS:</p> <p>8 Q. And so my question for you is, how do you define</p> <p>9 that it's FICO that knows something?</p> <p>10 A. Well, because we asked a number of people around</p> <p>11 the company who were senior level people to</p> <p>12 inquire into what do you know.</p> <p>13 Q. Okay. And so the knowledge of the FICO employees</p> <p>14 is used to assess what FICO knows, correct?</p> <p>15 A. Well, FICO conducted an investigation, yes,</p> <p>16 some -- it involved employees, yes.</p> <p>17 Q. Okay. And who did you speak to about the</p> <p>18 knowledge of use of Blaze in Canada to determine</p> <p>19 whether FICO knew about that use prior to the</p> <p>20 merger?</p> <p>21 A. Chris Ivey provided that information or somebody</p> <p>22 that worked for Chris Ivey because they were able</p> <p>23 to ping the maintenance logs.</p> <p>24 Q. Did you inquire whether Russ Schreiber knew about</p> <p>25 any use by Chubb in Canada of Blaze?</p> <p style="text-align: right;">Page 85</p>	<p>1 meeting with me to open the lines of</p> <p>2 communication?"</p> <p>3 A. I see that.</p> <p>4 Q. Okay. So at this point in July of 2012, is it</p> <p>5 fair to conclude that FICO knew that Chubb in</p> <p>6 Canada was considering the use of Blaze?</p> <p>7 A. No, I wouldn't draw that conclusion. This is what</p> <p>8 I referred to as sales chatter. It looks like</p> <p>9 he's trying to sell something.</p> <p>10 MS. JANUS: All right. I think now is a good</p> <p>11 time for a break.</p> <p>12 (Recess taken from 11:55 a.m. to 12:50 p.m.)</p> <p>13 BY MS. JANUS:</p> <p>14 Q. Mr. Carretta, we were talking about the use of</p> <p>15 Blaze by Chubb in Canada prior to the break,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 (Exhibit No. 397 was marked for identification.)</p> <p>19 BY MS. JANUS:</p> <p>20 Q. Showing you what's been marked as Exhibit 397, let</p> <p>21 me know when you've had a chance to review this</p> <p>22 document.</p> <p>23 MS. KLIEBENSTEIN: Is this 6 or 7? Oh, 7,</p> <p>24 yep. You're good.</p> <p>25 THE WITNESS: Okay.</p> <p style="text-align: right;">Page 87</p>